

# **Trials for Treason against the King in Israel and the Ancient Near East**

by Zafira BEN-BARAK

*(University of Haifa)*

Acts of hostility against kings in Israel and the Ancient Near East are reported in biblical as well as extrabiblical sources. The accounts are sparse, and fall into two categories : the first relates to conspiracy against the king in an attempt to seize his throne, while in the second the nature of the crime against the king is not specified. Both types of report always conclude with the most severe punishment — death to the accused and the confiscation of his property by the king. In most of the cases no trial is mentioned, and the sentence is executed without further ado.

## I

Our discussion begins with acts of hostility against the king without documentation on a trial :

### Israel

1. Ahimelech the son of Ahitub the priest from Nob (1 Sam. 21:1-9; 22:9-19) (1) is charged with aiding David in his flight from Saul on the basis of information by Doeg the Edomite (2) against him. Saul sentences him and his entire family to death. Saul conducts kind of an investigation, but without the procedures of a trial (3).
2. Absalom the son of King David (2 Sam. 15-18) has plotted against his father and usurps the throne. His fate is to die with torture. His body is cast into a great pit in the forest (4).

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1) Refer to the case of Ahimelech, see H.W. HERTZBERG, *I & II Samuel*, London 1964, pp. 177-181, 185-189 ; P.A. ACKROYD, *The First Book of Samuel*, Cambridge 1971, pp. 168-172, 176-180.

2) About Doeg the Edomite, see M.Z. SEGAL, *The Books of Samuel*, Jerusalem 1956, pp. 173, 179-181 (Hebrew).

3) Saul sent for Ahimelech the son of Ahitub and all his father's house asked him why they have conspired against him, and heard his answer (1 Sam. 22: 11-19). But all this was not in the form of a trial. The king alone was the accuser, the judge and the sentencer of death.

4) As for Absalom's narrative see R.N. WHYBRAY, *The Succession Narrative, A study of II Samuel 9-10 ; I Kings 1 and 2*, London 1968, pp. 14-19, 22-31 ; K.W. WHITELAM, *The Just King*, Sheffield 1979, pp. 137-148, 257-259.

3. Shimei the son of Gera (2 Sam. 16:5-13; 19:16-23; 1 Kgs. 2:8-9; 36-46) cursed David and cast stones on him. He is put to death by Benaiah the son of Jehoiada <sup>(5)</sup>.
4. Mephibosheth <sup>(6)</sup> the son of Jonathan (2 Sam. 16:1-4; 19:24-30) is accused of making attempts to seize David's throne, solely on the basis of information against him. In the absence of the accused David imposes the penalty of confiscation of all his property <sup>(7)</sup>.
5. Adonijah son of King David (1 Kgs. 1:5-27; 41-52; 2:13-25) is accused of attempts to seize the throne of David and of

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5) See P.R. ACKROYD, *The Second Book of Samuel*, Cambridge 1977, pp. 149-153, 176-180; J. GRAY, *I & II Kings*, London 1964, pp. 108-110.

6) It would appear that the name Meribaal is the original form of the name Mephibosheth the son of Jonathan (I Chr. 8:34; 9:40). Cf. SEGAL, *op. cit.*, note 2 above, p. 255, who thinks that the name is a symbolic correction for "Merib-baal"; cf. HERTZBERG, *op. cit.*, note 1 above, p. 264; ACKROYD, *ibid.*, p. 51.

7) See Z. BEN-BARAK, "Meribaal and the System of Land Grants in Ancient Israel", *Biblica* 62 (1981), pp. 73-91; J. PEDERSEN, *Israel, its Life and Culture II*, London 1926, pp. 52, 82, 189, 226, 284, 343; H. HENREY, "Land Tenure in the Old Testament", *PEQ* 86 (1954), pp. 10-11; T. VEIJOLA, "David and Meribaal", *RB* 85 (1978), pp. 338-361. Z. BEN-BARAK, *ibid.*, thinks that even if the death sentence was not mentioned in the story, the extent of Mephibosheth's alarm suggests the considerable gravity of his situation. See A. PHILLIPS, *Ancient Israel's Criminal Law: A New Approach to the Decalogue*, Oxford 1970, p. 44. But cf. G.C. MACHOLZ, "Die Stellung des Königs in der israelitischen Gerichtsverfassung", *ZAW* 84 (1972), pp. 170-171 who does not agree that David's treatment of Mephibosheth was arbitrary.

Solomon. Solomon sentences him to death, and he is executed by Benaiah son of Jehoiada (8).

6. Abiathar the priest (1 Kgs. 1:7; 2:22, 26-27) is charged with aiding Adonijah in his attempts to take the throne. He is condemned to death. At the king's command his sentence is commuted to banishment (9).

7. Joab the son of Zeruah, the commander of David's army (1 Kgs. 1:7,19; 2: 22, 28-34) is charged with aiding Adonijah in his attempt to become king. Solomon condemns him to death, and even the horns of the altar do not save him from Benaiah the son of Jehoiada (10).

8. Jeroboam the son of Nebat (1 Kgs. 11:26-40) raised his hand against King Solomon, and it becomes apparent that he desires to

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8) On the Adonijah episode see J.A. SOGGIN, *Das Königtum in Israel*, Berlin 1967, pp. 77-79 ; T. ISHIDE, *Solomon's Succession to the Throne of David - A Political Analysis, Studies in the Period of David and Other Essays* (T. Ishide, ed.), London 1979, pp. 175-187 ; T. ISHIDE, "Solomon who is the greater than David. Solomon's Succession in I Kings I-II, in the light of the Inscription of Kilamuwa King of Y<sup>o</sup>dy-Sam<sup>o</sup>al", *SVT* 36, 1983, pp. 145-153. Z. BEN-BARAK, "Succession to the Throne in Israel and in Assyria", *OLP* 17 (1986), pp. 85-89.

9) See WHITELAM, "The Banishment of Abiathar" (I Kgs II, 26-27), *op. cit.*, note 4 above, p. 153.

10) Cf. WHITELAM, "The Execution of Joab (I Kgs II: 28-35, cf. 5-6)", *op. cit.*, note 4 above, p. 153-154 ; GRAY, *op. cit.*, note 5, above, p. 98 ; T.N.D. METTINGER, *King and Messiah: The Civil and Sacral Legitimation of the Israelite Kings*, Lund 1976, p. 28.

reign over the tribes of Israel. Solomon orders that he die, but he succeeds in escaping (11).

9. Zimri, commander of half the chariots in Israel (1 Kgs. 16:9-12, 16-20), plots against Elah the son of Baasha, king of Israel, and slays him, taking the throne in his stead. Omri, who was made king with the help of the people, causes his death. The name Zimri became a byword in Israel, as indicated by the taunt of Jezebel : "Is it peace, you Zimri, murderer of your master ?" (2 Kgs. 9:31) (12).

10. The servants of Joash, king of Juda (2 Kgs. 12:19-21; 14:5-6) plot against Joash and slay him. His son Amaziah kills them, but not their sons.

11. Plotters against Amaziah king of Judah (2 Kgs. 14:19-22) succeed in slaying the king. It is not known who the plotters are or what becomes of them. Amaziah's son succeeds him to the throne (13).

12. Uriah the son of Shemaiah from Kiriath-Jearim (Jer. 26:20-23) prophesies against the city and apparently against the king, Jehoiakim. The king orders that he be put to death. He flees to

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11) See S. HERRMANN, *A History of Israel in Old Testament Times*, Lund 1981, pp. 191-192, 203-204.

12) See HERRMANN, *ibid.*, pp. 202-203.

13) On the background of the assassination of Kings Joash and Amaziah see S. YEIVIN, *Studies in the History of Israel and his Country*, Tel Aviv 1960, pp. 252-253 (Hebrew).

Egypt, but is brought back from there and killed. His corpse is flung among the graves of the common people (14).

We do not mention the cases in Israel where the plotters succeeded in usurping the throne.

### The Ancient Near East

1. Egypt : A conspiracy against the king of the sixth dynasty, third millenium B.C., by the king's wife (15).
2. The incident of Si-Nuhle the Egyptian, which was linked to the plot directed against Amenemhet I, twelfth dynasty, nineteenth century B.C. It seems that he was an accessory in the plot. He took refuge in Asia for many years (16).

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14) See A. MALAMAT, "Elnathan ben Akhbor and the Prophet Uriahu of Qiryat - Hayearim", *Bulletin of the Jewish Palestine Exploration Society*, vol. XIV (1947-1948), pp. 7-8 (Hebrew).

15) See J.H. BREASTED, *Ancient Records of Egypt (AR)* vol. 1, New York 1962, § 310, p. 142. The text reads : "When legal procedure was instituted in private in the harem against the queen, Imtos (*ymts*) his majesty caused me to enter in order to hear (the case) alone". Cf. J.A. WILSON, "Results of a trial for conspiracy, *ANET*<sup>2</sup> (ed. J. PRITCHARD), New Jersey 1955, p. 214, Note 2.

16) J.A. WILSON, "The story of Si-Nuhe", *ANET*<sup>2</sup> pp. 18-22 ; *ibid.*, "The Instruction of King Amen-em-het", *ANET*<sup>2</sup> pp. 418-419 ; J.W.B. BARNES, *The Ashmolean Ostrakon of Sinuhe*, Oxford 1952.

3. Alalakh, fifteenth century B.C. (17). A citizen called Apra, who became *bēl masikti* (18), that is, one who commits a treasonable act against the king, is put to death. All his property and members of his household are confiscated and taken to the king's palace (19).
4. Ugarit : Yatarm the scribe was accused of being the enemy of King Niqmaddu. He was slain (20), and his property was expropriated (21).
5. Sennacherib king of Assyria was killed in a plot against him (22). A Babylonian letter (23) sent to his son Esarchaddon,

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17) See D.J. WISEMAN, *The Alalakh Tablets*, London 1955, no. 17, Pl. IX, p. 40 ; transliteration and translation. J.J. FINKELSTEIN, "Abrogation of a Marriage Agreement", *ANET*<sup>3</sup>, 1969, p. 546.

18) For the meaning of *Bēl mašikti* see CAD/M. s.v. *masiktu*, p. 324 ; WISEMAN, *ibid.*, reads "Apra has turned against a private enemy" ; FINKELSTEIN, *ibid.*, explains *bēl mašikti*, literally "became an evildoer", i.e. Apra committed treason. Cf. S.E. LOEWENSTAMM, "Notes on the Alalakh Tablets", *IEJ* VI (1956), pp. 224-225.

19) The meaning here of the term *bitu* is expanded, i.e. estate and property ; it is possible to conclude that *bitu* included the household members in addition to the lands and other possessions. It is not clear what befell the daughter and the rest of the family members of Apra, were they also executed ?

20) J. NOUGAYROL, *PRU* III, Paris 1955, Nos. 16.269, pp. 68-69 ; M. HELTZER, *The Rural Community in Ancient Ugarit*, Wiesbaden 1976, p. 49.

21) For deeds against the king and the punishment of the opponents see *PRU* III, Nos. 16, 249, p. 97.

22) S. PARPOLA, "The Murderer of Sennacherib", *Death in Mesopotamia* (B. ALSTER, ed.), Copenhagen 1980, pp. 171-182 ; Z. BEN-BARAK, *op. cit.*, note 8 above, pp. 89-94.

who succeeded him, exposed the affair. The initiator of the conspiracy was his son Arda-Mulišši, who was forced to flee, and two high-ranking officials assisted him. These officials disappeared after the exposure of the plot, apparently put to death (24).

6. A treasonable act against Ashurbanipal, king of Assyria : a man owing property was accused of treason against the king. He was sentenced to death and his property was expropriated (25).
7. Persia (The Book of Esther, 7:8-10; 8:1,7; 9:7-10) : Haman was accused of trying to lie with Esther the Queen. He and his sons were hanged and their land was expropriated by the king (26).

23) R. HARPER, *Assyrian and Babylonian Letters (= ABL) XI*, Chicago 1911, No. 1091; L. WATERMAN, *Royal Correspondence of the Assyrian Empire III = RCAE III*, vol. II and III, Ann Arbor 1931, no.1091, p. 296; PARPOLA, *ibid.*, pp. 180-181.

24) About the role and fate of these officials, see PARPOLA, *op. cit.*, note 22 above, p. 173.

25) HARPER, *ABL*, No. 716; WATERMAN, *RCAE II*, London 1972, No. 716, pp. 4-5; Cf. J.N. POSTGATE, "Royal Exercise of Justice under the Assyrian Empire", *Le Palais et la Royauté, XIX<sup>e</sup> Rencontre Assyriologique Internationale*, Paris 1974, pp. 417-426; Z. BEN-BARAK, "The Appeal to the King as the Highest Authority for Justice", *The XII Congress of the International Organization for the Study of the Old Testament*, Frankfurt-am-Main 1988, pp. 171-172.

26) Cf. H. BARDTKE, *Das Buch Esther*, Gütersloh 1963, pp. 351-360; L.B. PATON, *The Book of Esther*, Edinburgh 1964 (= 1908), pp. 262-267; Z. BEN-BARAK, "The Confiscation of Land in Israel and Ancient Near East", *Shnaton, An Annual for Biblical and Ancient Near Eastern Studies V-VI* (M. WEINFELD, ed.), Jerusalem 1982, pp. 115-116 (Hebrew).

These cases, for all their variety and degrees of seriousness in Israel and in the Ancient Near East, always ended with one penalty — death. From this evidence we conclude that an act of treason or an attempt to injure the king were viewed as a matter of the utmost gravity carrying only one punishment, the death penalty (27). Sometimes the penalty was applied to the condemned man's household and his property was transferred to the king's palace (28). In no case is there any mention of a trial.

The resulting impression is that the king's rule is despotic, suspicious and cruel ; it is alienated from the people with complete disregard for the legal system, trials, and justice.

This harsh and one-sided picture of the king's rule acquires a fresh aspect by a consideration of three trials for treason against the king.

## II

### **Trials for treason against the king**

The literature preserves three accounts of a trial for treason which are unique in their documentation of the legal procedure :

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27) Cf. D.J. WISEMAN, "Murder in Mesopotamia", *Iraq* 26 (1974), pp. 240-260.

28) Cf. Alalakh no. 17 ; see above notes 17-19.

1. Ramses III, king of Egypt, twelfth century B.C. ;
2. The trial of Naboth the Jezreelite at the time of Ahab, king of Israel, ninth century B.C. ;
3. Nebuchadnezzar II, king of Babylon, sixth century B.C.

So small a number of trials for treason against the king throughout Israel and the Ancient Near East, raises questions, and requires clarification. But the fact that they are so few magnifies their importance. These trials form the starting point for our discussion, and study and comparison between them will illuminate basic features of the king's rule and will add to our understanding of the essential problem of acts of hostility against him.

#### 1) The trial by Ramses III, king of Egypt, twelfth century B.C.

This episode is known as the Harem Conspiracy (29). Towards the end of the reign of Ramses III (30), one of his

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29) On the Harem Conspiracy see J.H. BREASTED, *Ancient Records of Egypt* (= AR) IV, New York 1962 ; Records of the Harem Conspiracy, § 416-456, pp. 208-221 ; J.A. WILSON, *op. cit.*, note 15 above, pp. 214-216 ; A. DE BUCK, "The Judicial Papyrus of Turin", *JEA* XXIII (1937), pp. 152-164.

30) Although the name of the king is not given, we can know that he was Ramses III because the king was called "ruler of Heliopolis", a term applied especially to Ramses III. And it is said that one of the conspirators secured a

wives, called Tiy, conspired to get rid of him in order to place her son Pentwere<sup>(31)</sup> on the throne. Her prime accessories were Pebekka men, the Chief of the Chamber, the Mesedsure, the royal butler, who were senior palace officials<sup>(32)</sup>. They succeeded in elaborating an extensive plot, involving high-ranking persons in the personal service of Ramses III<sup>(33)</sup>.

The plot, which began as a harem conspiracy, threatened to expand into a general revolt across the realm. Although the plot was discovered, and the conspirators captured, it seems that the king was indeed injured and his days were numbered<sup>(34)</sup>. Nevertheless, he succeeded in mounting a public trial. All the stages of the trial took place according to his instructions and under his supervision. Ramses III appointed the 14 judges who made up the court, choosing them from his own entourage and

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"magic role of Ramses III — his lord", see BREASTED, *AR IV*, § 416, p. 208.

31) Pentwere was not the prince's real name, but a name given him in the court records. See BREASTED, *AR IV*, p. 208, note c.

32) The names of the chief conspirators were also not their real names but given them by the court records. See BREASTED, *ibid.*

33) See BREASTED, *AR IV*, § 417, p. 209.

34) BREASTED, *AR IV*, § 418, pp. 209-210 suggests that we know that the king died before the trial because he was called "the great God" in the records of the trial, this term is applied only to deceased kings. Cf. DE BUCK, *op. cit.*, note 29 above, pp. 152-153. It seems that the king was badly hurt and was only able to give instructions for the prosecution of the conspirators and then he died.

giving them preference over professional jurists (35). It was he who determined the features of the trial, with explicit instructions that the investigation be conducted in conformity with normal legal procedures (36). The trial was divided into four sections. Different judges (37) presided over each one and in each a different group of accused were tried. The total number of accused was 22, some of them direct participants in the plot, others accessories in that they had failed to report it. The procedures of the trial were punctilious, and all followed the same pattern: the accused was brought in before the venerable members of the court for examination. His case was considered, and after his crime was established, his sentence was pronounced. All the accused without exception were condemned to death (38). The principal conspirators were executed, and others, who had assisted indirectly, were permitted to commit suicide (39). The fate of Queen Tiy is not known, but the prince her son was sentenced to death and permitted to take his own life.

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35) Ramses did not ask the professional judges to participate because he felt he could not rely on them.

36) Even though he was so badly wounded he cautioned the judges to be certain of the guilt of the conspirators and to punish only the guilty.

37) Among the judges that the king himself chose there were two that betrayed him, and were condemned to die.

38) The style of the sentence is very interesting: "They examined them; they found them guilty; they brought their punishment upon them; their crimes seized them", see BREASTED, *AR IV*, § 426, p. 214.

39) In these cases the sentence and the execution of the sentence are very unique: "They examined them concerning their crimes; they found them guilty; they left them in their place; they took their own lives". BREASTED, *AR IV*, § 446, p. 218.

## 2) The trial of Naboth the Jezreelite at the time of Ahab king of Israel (1 Kgs. 21; ninth century B.C.)

One of the most stirring episodes in biblical literature is the trial of Naboth the Jezreelite (40). According to biblical tradition, the motive underlying this case was the refusal of Naboth, a respected citizen of the city of Jezreel, to sell his vineyard to Ahab, the king of Israel. His refusal was based on an ancient tradition that prohibited the sale of landed property belonging to the family over generations (41). In fact according to the biblical source, it was not Ahab who instigated the trial, but the queen Jezebel (1 Kgs. 21:8-11). But the fact that she used Ahab's seal attests that he gave his patronage to the trial. The entire process of the trial was at the initiative of the queen, through her instructions to the judges : to proclaim a fast, to place Naboth on high among the people, to bring forward two witnesses, to reveal the charge, and to pass the sentence — death by stoning.

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40) For the story of Naboth's trial see B.D. NAPIER, "The Omrides of Jezreel", *VT* 9 (1959), pp. 366-378 ; F.I. ANDERSON, "The Socio-Juridical Background of the Naboth Incident", *JBL* 85 (1966), pp. 46-57 ; P. WELTEN, "Naboth's Weinberg (1 Könige 21)", *EvTh* 33 (1973), pp. 18-32 ; H. SEEBASS, "Der Fall Naboth in I Reg XXI", *VT* 24 (1974), pp. 474-488 ; R. BOHLEN, *Der Fall Nabat, Hintergrund und Werdegang einer alttestamentlichen Erzählung (1 Kön. 21)*, Trierer Theologische Studien, Trier 1978 ; Z. BEN-BARAK, *op. cit.*, note 26, pp. 101-117.

41) Leviticus 25 : 8-28. Cf. R. WESTBROOK, "Redemption of Land", *Israel Law Review* 6 (1971), pp. 367-375.

The trial was conducted openly and in public with precise observance of all the juridical rules in Israel (42). The judges were chosen from the elders (43), as required by law (Deut. 1:13, 15), that is, the local traditional juridical arm, and the *ḥorim*, that is, the Israelite nobility (44). The fast provided the setting to the trial, and indicated that the matter was of the utmost gravity (45). The accused was brought to the trial and placed on high among the people (46). The charge was revealed, written in the records, and despatched to the heads of the families in Jezreel. "Naboth cursed God and the King" (1 Kgs. 21:13). The charge indeed is not sufficiently defined, but it is based on a severe injunction in the tradition of Israel (Exod. 22:28; Job 1:5; Ps. 10:3), whose violation is tantamount to revolt against the king. The conviction and execution of Naboth were based on the testimony of two witnesses (47), as required by law (Numbers 35:30; Deut. 17:6).

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42) Cf. R. DE VAUX, *Ancient Israel. Its Life and Institutions*, London 1961, p. 153, who argues that the practice of trials in Israel is illustrated by the story of Naboth.

43) For the elders in the Kingdom of Israel see H. REVIV, *The Elders in Ancient Israel: A Study of a Biblical Institution*, Jerusalem 1989, pp. 120-136.

44) For the status of the *ḥorim*, see J. GRAY, *op. cit.*, note 5 above, p. 391.

45) Cf. J.A. MONTGOMERY, *The Books of Kings*, New York 1951, p. 331; H.H. SNAITH, *I and II Kings*, Nashville 1954, p. 74.

46) For the high status of Naboth see B. UFFENHEIMER, *Ancient Prophecy in Israel*, Jerusalem 1973, pp. 218-226 (Hebrew); GRAY, *op. cit.*, note 5 above, p. 391.

47) For the term "*benē beliyaal*" for these witnesses see R. ROSENBERG, "The Concept of Biblical 'Belial'", *The Eighth World Congress of Jewish Studies*, Jerusalem 1982, pp. 35-40.

The execution of the sentence by the judges : "So they took him outside the city and stoned him to death with stones"- was also according to usage in Israel (Lev. 24:14; Numbers 15:35; Deut. 13:10; Joshua 7:25) (48).

**3) The trial by Nebuchadnezzar II, king of Babylon, sixth century B.C., is known from a neo-Babylonian text (49).**

The document begins with the report of an act of treason against the king Nebuchadnezzar (50) by a citizen called Babahu-iddina, son of Nabu-ahhe-bullit, a respected citizen of noble and wealthy stock. It was the king who exposed the treachery. At the trial the king himself proved the guilt of the accused, the king himself condemned him to death. In addition, Nebuchadnezzar confiscated his land and endowed it to the temple of Nebo. The trial was conducted under royal patronage. Throughout, the imposing presence of the king was felt, in that he was behind every stage of the trial. He instigated it, he was

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48) Many scholars see in Naboth's trial a false trial and see Naboth as a victim of a greedy king and a vicious queen. Cf. GRAY, *op. cit.*, note 5 above, pp. 390-391 ; L. BRONNER, *The Stories of Elijah and Elisha*, Leiden 1968, pp. 13-15. But cf. Z. BEN-BARAK, *op. cit.*, note 26 above, pp. 101-117. ANDERSON, *op. cit.*, note 40 above, pp. 46-57.

49) The text was published by E. WEIDNER, "Hochverrat gegen Nebuchadnezzar II. Ein Großwürdenträger vor dem Königsgericht", *AfO XVII* (1955), pp. 1-9. About Nebuchadnezzar and his kingdom, see D.J. WISEMAN, *Nebuchadnezzar and Babylon*, Oxford 1985.

50) It was the eleventh year of Nebuchadnezzar's kingdom (594/3 B.C.). This period was known as a very unquiet time in the kingdom.

the judge, he was the prosecutor, he provided the evidence of guilt, and he pronounced the verdict. The burden of proof and testimony of witnesses fell upon the king. It appears that it was not he who actually carried out the sentence.

The trial was conducted in a particular forum (line 14) : *ina puḫur ummani* - "at a gathering of expert men", although the exact meaning of *ummanu* here is not known (51).

From the wording of the indictment - *adê šarri belišu la issurma*, "he did not keep his oath of allegiance to the king his master" (52) - which is a formula covering a range of possible misdeeds against the king, it is not possible to define the transgression exactly. But the many sentences relating to his actions serve to indicate the nature of the misdeed as a real plot and conspiracy against the king with political intent. For example : "He planned a sinful and criminal act" (lines 2-3) ; "he plotted a thing of evil" (lines 3-4) ; or plainly : *ište<sup>a</sup> šurratim* - "he plotted treason against the monarchy" (line 6) ; *rikiltašu ikšud* - "he exposed his act of conspiracy" (line 16). As all these terms appeared in royal writings in the context of making war against the enemy, that is, they are political, the crime may

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51) See VON SODEN, *AHW* II, pp. 1413-1415.

52) For the oath of allegiance to the king, see H. TADMOR, "Treaty and Oath in the Ancient Near East : A Historian's Approach", *Shnaton. An Annual for Biblical and Ancient Near Eastern Studies*, vol. V-VI, Jerusalem 1982, pp. 149-173 (Hebrew) ; cf. D.J. WISEMAN, "The Vassal-Treaties of Esarhaddon", *IRAQ*, XX, pp. 23-28.

be understood as a conspiracy against the king with political intent.

The punishment was clear-cut : death by sword slitting the throat. From the phrase "and the members of his household he sold for money" (line 30), it may be concluded that the reference is to his family. Hence it follows that the entire family ceased to exist.

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Comparison of the three trials shows the following :

These unique trials, despite wide differences in geography, time and type of society, reveal considerable similarity of detail. All three were public trials and all three consistently display the following elements :

*The status of the king :*

Sovereign, powerful, and energetic. Among the foremost of the kings in his country.

*The source of the trial and its procedure :*

The trial is on behalf of the king and at his behest, and he is behind all its stages.

*The forum of the trial :*

The trial is conducted publicly, before the people, or before an assembly of dignitaries.

*Presence of the king :*

In Egypt he is not present, perhaps wounded, or already dead (53). In Israel he is not present. In Babylon he is present, and active at all stages.

*Judges :*

In Egypt, officials of the king, chosen by him. In Israel judges from among the elders of the people, the traditional local representation, and *horim* - high-ranking nobility, possibly representing the ruler. In Babylon, they are not mentioned, but from the course of the trial it is clear that they were present.

*The accused :*

From among the nobility in society ; in Egypt senior officials close to the king, including the prince. In Israel Naboth, a respected citizen and landowner in the city of Jezreel. In Babylon a wealthy citizen.

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53) It is most probable that at the time of the trial his son Ramses IV already ruled.

*Witness :*

The indictment is based on witnesses. In Egypt this becomes apparent from the investigation that is carried out. In Israel two witnesses. In Babylon it is stated explicitly that the king based his charges on evidence.

*The stated charge :*

A serious injury to the king. In Egypt, a treacherous conspiracy to murder the king and usurp his throne. In Israel the grave charge is defined by a term fixed in law : "He cursed God and the king", meaning an act of hostility against the king. In Babylon the general phrase *adê šarri belišu la issurma*, which means an act of rebellion against the king in a political sense.

*The sentence :*

Clear-cut and uniform ; death. In Egypt and in Israel by the Judges. In Babylon by the king.

*Execution of the sentence :*

By the judges, in various ways. In Egypt execution, but the method is not defined. Some were allowed to commit suicide. In Israel execution was by stoning. In Babylon the condemned man's throat was slit with a sword.

*The fate of the family :*

In Egypt it is not known. In Israel, death. In Babylon they were sold.

*Landed property :*

In Israel and Babylon it was expropriated by the king. In Egypt it is not known.

*Tendency :*

Throughout the course of the trial the tendency is clearly to demonstrate that it is being conducted according to custom, law and justice. The sentence is handed down only after meticulous observance of judicial procedure, and it is the consequence of the treacherous act by the accused against the king.

## III

The similarity of the course of each of the three trials — precisely because of the differences in geographical location, time, society, and causes — is of primary importance. This similarity shows that trials of this sort were a function of the essence of the institution of kingship, wherever it was. As such, the trials constitute an additional, unique source for understanding the monarchical regime.

In the setting of acts of hostility against the king, as mentioned above, and from the very small number of treason trials we have, the central question arises as to why kings needed these public trials : they terminated, like other cases without a trial, in a single punishment, death. The answer is that these public trials served the kings as an instrument for preserving and strengthening the foundation of their rule, as is evident from two features:

*The first feature* is the immediate, concrete motive stemming from a critical situation that arose in the kingdom. At times real circumstances were created that threatened the stability of the critical situation that arose in the kingdom. At times real circumstances were created that threatened the stability of the state, and still worse, the king's throne itself. A ruler who displayed some degree of political acumen and was aware of these dangers understood that one of the ways to quell the

rebellion, or end the dissatisfaction, was by demonstrating reasonable methods of rulership based on custom and law. Sometimes making a gesture to the citizens when appropriate was a guarantee of continuation and reinforcement of rule, as in the words of the elders to Rehoboam on the even of the division of the kingdom: "If you will be a servant to this people today, and serve them and speak good words to them when you answer them then they will be your servants for ever" (1 Kgs. 12:7).

In Egypt the wide-scale conspiracy that erupted in the king's palace threatened to spread over the entire kingdom. Ramses III, who was mortally wounded, sensed the developing turbulence, and realized that its consequences were of enormous import for the fate of his realm and, moreover, for the reign of his son Ramses IV, his heir. Therefore he decided to instigate a public trial with the aim of calming the storm, and imposing order. If it was Ramses IV who conducted the trial in the name of his father, who had meanwhile died from the wounds he sustained, as certain scholars hold (54), then he would undoubtedly be anxious for stability and quiet at the outset of his reign.

In Israel, beyond the incident of Ahab and Naboth, which is reported as a strictly personal affair, more profound elements are discernable. This confrontation probably reflected a symbolized adherence to ancient patriarchal tradition, presumably Naboth was supported in his struggle by noble landowning families in Jezreel and by the prophets' circles, who adhered to the strict

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54) Cf. DE BUCK, *op.cit.*, note 29 above, pp. 152-153.

preservation of life patterns in conformity with the tradition of Israel (55). From the descriptions of the gloom and isolation of Ahab it may be deduced that the cause was more profound than what is presented in the biblical tradition (56). It is quite likely that Ahab was aware of the currents of rebelliousness and anger, understood the danger inherent in them, and therefore gave royal assent to the conduct of a public trial.

In Babylon the king's intervention and his wrath against the accused indicate that here too revolt and a threat to the king's rule were implied.

*The second feature* is that the public treason trials were a political weapon of primary importance to the king, to demonstrate and emphasize two tenets on which his rule as sovereign was based :

*The first tenet* was deterrence and dread : let them see and fear. An act of treason or any kind of injury against the king was perceived as a heinous crime, which had to be dealt with at once. The principle that the king may not be assaulted nor may his ways be questioned was imposed uncompromisingly and relentlessly, and he who violated this principle could expect one fate : death.

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55) Cf. BEN-BARAK, *op. cit.*, note 26 above, pp. 105-107.

56) Cf. I Kgs. 20: 43, "And the King of Israel (Ahab) went to his house resentful and sullen and came to Samaria", which reflected a result of a severe political situation.

*The second tenet* had an ideological aspect. Through the public trials the king wished to display one of the central ideas of a rule by a king: The king is the patron of law and justice in his realm, and as such he is responsible for the social order in the state and for the observation of the law, justice and due process (57), including cases concerning the king himself. In the three trials the king zealously and meticulously tried to prove that the trial for treason against himself was being conducted within the accepted and traditional judicial framework and not as an extraordinary and arbitrary act.

*Ramses III*, despite his mortal wound, instructed the judges to examine each case, to be cautious in their judgments, and only after finding the accused guilty to determine his sentence. He stressed repeatedly that the crime of the accused is "as written", that he caught him, and the responsibility for the severe verdict falls on the judges, not on himself. He also stresses that he is a king belonging to the kings of justice.

In *Israel* the biblical tradition repeatedly emphasizes that the entire trial was throughout conducted in strict observance of the law, and in accordance with ancient tradition. The separation of powers was upheld exactly. This was the distinction between the ruling and initiating power—the king—and the judiciary and executive power—the elders and the judges. The judges were

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57) Cf. M. WEINFELD, *Justice and Righteousness in Israel and the Nations*, Jerusalem 1985, pp. 17-38, 26-44 (Hebrew); WHITE LAM, *op. cit.*, note 4 above, pp. 207-220; Z. BEN-BARAK, *op. cit.*, note 25 above, pp. 169-177.

they who conducted the proceedings of the trial, whereas the king and the queen were not present. The sentence — death— was carried out by the traditional judiciary system.

In *Babylon* Nebuchadnezzar repeatedly stresses the justice of his judgment in phrases such as "graced with truth and uprightness", and "destroyer of evildoer and enemy", the prince who is impartial in his views and his pronouncements ; even if these sentences are regarded as standard formalities, their sheer quantity and the fact that they are constantly repeated and that they take so central a place in the document attest how important they are in this context for the king and his image (58).

All these trials without exception end in death, but not before they are presented as the outcome of proper and accepted legal procedures, which have publicly laid bare the transgression of the accused as the most serious of accusations — a plot against the king.

The question why we have so small a number of trials for treason against the king has several possible answers :

1. The grave nature of the trial, the difficulties and the danger of holding public event of this kind undoubtedly were a factor inhibiting the king from conducting such trials. Only the most

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58) See W.F. LEEMANS, "King Hammurapi as judge", *Symbolae iuridicae et historicae Martino David dedicatae*, Leiden, pp. 107-129.

grievous crime against the king, or a matter of primary public importance, were a reason for mounting a trial.

II. It is possible that there were indeed not many severe acts of treason against the king, of the kind considered above, owing to the fear and deterrence created by the sole penalty, death ; or on account of the dignity of the king.

III. It is possible that there were other trials of the kind against the king, but the kings avoided publishing them, in order to establish the norm that the king's person was inviolable.

### Conclusion

The above considerations and the examination of the trials for treason against the king that we have, contribute to a deeper understanding of the institution of monarchy.

The rule of the king was based on two fundamental precepts. On the one hand the invulnerability of the king and his safety are a hallowed principle from on high. Any deviation from it, direct or indirect, must be cut off — by the death of the perpetrator. On the other hand — the king's sensitivity to appear righteous before his subjects, and as one who rules according to law and justice. So any event in the kingdom is judged in terms of just and accepted legal system : this applies to the gravest cases also, such as injury to the king. These two principles may be

perceived as contradictory and conflicting, but actually together they are factors that shape the institution of monarchy.

To sum up, the rule of the king is resolute and uncompromising with regard to the safety and dignity of the king, but it is certainly not a despotic, cruel and vengeful rule. It runs according to legal norms accepted in the kingdom. Moreover, even an absolute regime such as that of a king has restrictions and limits, and cannot allow itself to appear in a negative light.